India

FOR THE

No. 71. NEW SERIES. No. 165. OLD SERIES.

WEEK ENDING FRIDAY, MAY 12, 1899.

REGISTERED AS A NEWSPAPER. PRICE...... 2D BY POST, 2½D.

Notes and News 229
Indian and Uitlander 232
Indian Appeals to the Judicial Committee 233
The Bombay Government and Higher Education, by the Hon. C. H. Setalvad 234
Our London Letter 235
Letter to the Editor: "Indians at the Inns of Court" ... 236
Chronicle of the Week 236
The Sugar Duty Act 237
Indian Affairs in Parliament: Special Report 238
Advertisements 240

NOTES AND NEWS.

THE cat is out of the bag. A Blue-book issued last Monday night proves what many of us had suspected—that the author of the Indian Sugar Duty Act is Mr. Chamberlain. "It will be seen," Lord George Hamilton wrote to Lord Curzon on January 26 last, in a despatch fortified by a memorial from 8,000 planters in Mauritius, "it will be seen that Mr. Secretary Chamberlain apprehends that in present circumstances bounty-fed sugars will drive Mauritius sugar out of the Indian market . . . . and that he requests that the memorial may receive the favourable consideration of Your Excellency's Government. In this request I concur, and I have no doubt but that you will take steps for dealing with this important matter at an early date." Lord George Hamilton might well have no doubts. A telegraphic summary of this precious despatch had been sent to Lord Curzon two days earlier, and by return of post the Viceroy signified his compliance. The guileless reader is therefore left to choose between two alternative theories—either (1) that Lord Curzon got up the whole subject, and resolved to reverse the policy of his predecessor, within twenty-four hours, or (2) that the little affair had been arranged with Mr. Chamberlain before Lord Curzon went out to India. We will not express an opinion as to which theory is right. But, like Lord George Hamilton, we have no doubt.

The dates are interesting. The Blue-book opens with a despatch, dated May 5, 1898, in which Lord Elgin declares his readiness to press for the abolition of sugar bounties at the Brussels Conference, but refuses to "levy countervailing duties on sugar imported into India." (The latter suggestion, it is worth noting, had been made by traders bearing the obviously Indian names of Begg, Dunlop, Turner, Morrison, Lyall and Marshall.) Lord Elgin enclosed papers which explained, as they justified, the decision of the Government of India. The next despatch is from Lord George Hamilton, enclosing letters from Mauritius, and asking the Viceroy to state "more fully" the views of the Indian Government about countervailing duties. This despatch is dated August 25, and Lord Elgin does not appear to have dealt with it in any way. Is it a mere coincidence that the appointment of Lord Curzon as Lord Elgin's successor had been announced a fortnight before (August 11)? Of the third despatch, dated January 26, we have already quoted the most important passage. It was prompted by Mr. Chamberlain in a letter from the Colonial Office (dated January 3), which forwarded with approval the memorial of the Mauritius planters. A further letter from the Colonial Office, dated January 7, declared that in Mr. Chamberlain's opinion there was "no valid economic argument against countervailing duties." That, of course, settled the matter.

The Blue-book would be really entertaining if the thing were less grave. The worst feature of the whole business is its contemptible hypocrisy. For while Mr. Chamberlain and Lord George Hamilton were, on behalf of the Mauritius planters and Mr. Chamberlain's policy of Protection within the Empire, prodding Lord Curzon into a reversal of the Indian Government's decision, Lord George Hamilton was blandly assuring the House of Commons that he could not think of interfering with the "independence" of the Indian legislature. After bombarding the Indian Government with despatches and memorials, invoking the might and majesty of Mr. Chamberlain, and telegraphing to the Viceroy (February 24), "desire to know if you propose to pass an Act *this Session* imposing countervailing duties," Lord George Hamilton had the assurance to say to Mr. Maclean in the House of Commons (March 10): "I have more than once told the hon. member that I have no intention whatever of interfering with the independence of the local authority." If this aspect of the matter is adequately dealt with in the discussion which, we are glad to see, is shortly to be raised on the motion of Sir Henry Fowler, the world will be well rid of at least one odious and mischievous bit of claptrap.

In these days when official guidance is held to be the great panacea for civic misgovernment and when popular institutions are threatened even in the capital of India, the *Amrita Bazar Patrika* does well to draw attention to the municipality of Howrah and its water-works; for there we have official control at its maximum. The construction of the water-works was left entirely to the Sanitary Board and the Consulting Engineer to the Government of Bengal, who employed a Resident Engineer at Rs. 1,200 a month. Moreover, the municipality had the great advantage of an official chairman, the Magistrate of the District. The elected Commissioners performed the only part left to them in voting whatever money was required. Who then could doubt that Howrah was destined to become famous for its water-works? Yet we are told that the leaks in the Howrah main are exceptionally numerous and that defects have been found in the reservoir of clear water, in the silters, the settling tanks, the engines and the boilers. Is it possible that errors may occur even under official management? Perhaps from the example of Howrah, when the new Bill becomes law, the last state of Calcutta may be worse than the first.

It has been strenuously denied by the defenders of the administration that the assessments imposed under the recent Settlement in the Madras Presidency were too high. They have however, found it very difficult to explain on any other theory the large sales of land in the Tanjore district at merely nominal prices. Two theories have indeed been put forward by Mr. Winterbotham, and greedily accepted by the *Madras Mail*. The first is that there was a conspiracy among the Kallars to enjoy the crop and let the Government revenue fall into arrear. But, as the *Hindu* pertinently asks, if the conspiracy existed before the Settlement, how is it that the sales only became so numerous after it? If on the other hand the conspiracy was only hatched after the Settlement, is not the weight of that Settlement the probable cause? The second theory is that the sales were due to a desire to put an end to joint ownership. But here again there is no explanation of the great increase of sales for the inconveniences of joint ownership did not suddenly spring into existence with the new Settlement. Finally the *Hindu* points out that the Government has made no real enquiry into the reason why the revenue was allowed to fall into arrear, why there was no competition among the landowners to bid at the sales, and why the Government were almost compelled to buy the lands at nominal prices.

It might be thought that the right of prisoners to be defended by counsel at every stage of their case was now universally recognised. But this is not the view of Mr. Carvalho, city magistrate of Poona, who refused to allow Balakrishna Chapekar to be defended by counsel. Mr. Justice Parsons has given his opinion on this refusal in very decided terms:—

In conclusion, I wish to draw attention to the improper conduct of

the investigating magistrate in refusing to allow the pleaders engaged by his wife to defend this accused, to have an interview with him or to appear and sit in Court. It was the duty of the magistrate to have afforded the accused and his friends every opportunity of making his defence, and he should not have personally interposed in any way between them.

It is said that Mr. Carvalho's conduct in the case of the prisoner Sathe, who is a minor, was even more arbitrary. Sathe's father begged to be allowed to see his son and engage a pleader to defend him, but the youth was never even informed of his father's petition, nor was he asked whether he wished to be defended by counsel. Moreover, Mr. Carvalho held the enquiry at an unusual time and place without informing Sathe's father. When asked about these matters at the Sessions Court he contented himself with saying that it was not his duty to look to the defence of the boy. The *Mahratta* has done good service in drawing attention to Mr. Carvalho's conduct in this matter.

The recent visit of Lord Sandhurst to Poona afforded a welcome proof of how much easier it is to carry on plague operations when due consideration is shown for the feelings of the people. The grievances which still remain are small compared with those which Poona had formerly to bear, and one of the greatest the Governor promised to redress, for he told the meeting of volunteers that municipalities were to be relieved of a considerable part of their plague expenditure. Lord Sandhurst went on to say that he thought the people of the Bombay Presidency the most patient in the whole world. Even more sympathetic have been the declarations on plague policy of Mr. Cotton, the Chief Commissioner of Assam, who has already shown himself such a tried friend of the Indians. He discounts the compulsory removing of patients from their own homes when they can be treated there without danger, and he thinks that even in their own homes medical assistance should be given free of cost.

But while there is thus throughout India a tendency to make plague administration more sympathetic, there are some places which this wave of sympathy has not yet reached. Even in the Province of Bombay great differences are apparent between one district and another. Thus the *Mahratta* publishes a petition which has been presented to the Belgaum collector. It appears from this document that a large number of the inhabitants of Belgaum at the outbreak of the plague there voluntarily went out into huts at the request of the authorities, and that they have been kept in these wretched huts for seven months exposed to inundation in the rainy season, to destructive fires, to heat and to want of water in the hot season. The majority of the population of Belgaum, which refused to come out when requested, have all this time been living comfortably in their homes. They are reaping the rewards of their obstinacy, while the occupants of the huts are paying the penalty of their compliance. Is it any wonder that the latter are now humbly petitioning for leave to return home—a request which has not, so far, been granted?

One rubs his eyes when he reads in the *Pioneer* (April 21) these remarkable and gratifying words:—

To secure contentment, there must be sympathy between the ruler and the ruled, and to obtain sympathy, a free interchange of ideas must be possible.

The dictum goes to the root of the matter, as we have always argued. In our last issue there were quoted from Mr. Le Fanu's evidence before the Indian Famine Commission these dismaying sentences:—

In my opinion, year by year, our officers are getting to know less of the people, and to be more and more out of sympathy and touch with them. Government itself is removed from contact with the people for six months of the year.

Mr. Le Fanu added that "it is more and more necessary that we should insist on a full working knowledge of the Vernacular languages in the ranks of the Civil Service;" and it is in this connexion that the *Pioneer* advances the far-reaching propositions quoted above. We shall look to the high officials who summer at Simla, and Ooty, and Mahableshwar, to lead the way to a necessary and beneficent reform.

The Hon. Mr. Surendra Nath Bannerjea put the following question at the meeting of the Bengal Legislative Council on April 15:—

I have the honour to call the attention of the Government to an article written by Mr. Steevens of the *Daily Mail*, and to ask what views the Government have with regard to the allegations of the writer, which are quoted below, so far as they affect Bengal:—"Prosecution and defence are alike masterly and elaborate forgeries; for the Native—especially in cases where, as usual, both sides are to blame—will never be content without improving on the truth. Not a single Native is to be trusted. The gaol authorities encourage the prisoners to write petitions that they may get *backsheesh* from the dealers who provide Government paper. The police are notoriously corrupt; officers of the court are corrupt; the very native magistrates and judges are corrupt."

Mr. Bolton, replying to the question, said:—

The hon. member must be aware that the opinions of the Government are altogether at variance with those of the journalist to whose letter he calls attention.

Comment is unnecessary. We shall be interested to observe whether this question and this answer will be reproduced by the *Daily Mail* for the edification of its readers.

A well-informed Indian correspondent writes:—

There are some people who are so much possessed of the Poona Brahmin and sedition in India that they smell a plot in the most harmless things. The Bombay correspondent of the *Daily Mail* wiring the news of a strike of signallers on the G.I.P. Railway on the 6th instant says that "it is now believed to have been the result of a plot against the Government on the part of Brahmins at Poona." In the first place the signallers on the G.I.P. line are not all Brahmins. They include people of all nationalities and religions—Hindus (non-Brahmins), Mahometans, Parsis, and Native Christians—and though there are Brahmins among them these certainly do not form a majority. How the Poona Brahmins could induce all these people to join in a plot passes comprehension. Again strikes in India (or, for the matter of that, among the *employés* of the G.I.P. Railway) are not a new phenomenon. There have been in the past many strikes in India as in England, but nobody ever dreamt of a Brahmin plot. In the case of the G.I.P. Railway Co., the example was set by the European *employés*, the guards, who a year or two back struck work on a large scale, which disorganised the traffic completely for a few days, and they got some concessions from their masters. The native *employés* are merely following the example of their European betters, hoping to have thereby their grievances, or supposed grievances, redressed. Then again it passes comprehension how this strike is a plot against Government. Disorganising the telegraph work on the G.I.P. Railway is no doubt a great inconvenience. But how that is to be a blow at Government who have their own separate telegraph line is a thing that one cannot understand. What is most curious to note, in another part of his communication the correspondent of the *Daily Mail* says, "the majority of the men being Brahmins they object to natives of other castes being promoted over them." We have already seen that it is not the truth to say that a majority of these men are Brahmins. But if it be assumed that they are, and that they object to people of other castes being promoted, is the strike a plot against Government or against their own countrymen? But it is hopeless to expect either logic or consistency in those who are prepared to pervert any facts or events to suit their settled purpose of traducing the Indians and especially the Brahmins.

Over-population being somewhat discredited as the sole cause of Indian poverty, the kind friends of India who spend their leisure in blackening the Indian character have discovered a new weapon of offence in the supposed neglect of technical education and industrial pursuits. They represent the flower of the Indian youth as hopelessly addicted to a merely literary education, and despising any save an official or professional career, although the numbers now turned out by the schools render such a career impossible to the majority. And they tell us that this unfortunate bias is fostered by the advice of the leaders of Indian opinion. But what are the facts? The overcrowding of the professions and the need of industrial training are nowhere more plainly stated than in the Indian journals, notably the *Tribune*, and there are now many signs that their advice is being taken. Were it otherwise, it would be absurd to blame the Indians for accepting as the best education that which their rulers have given them. But now there is what the *Tribune* calls "a move in the right direction." Babu Poma Kanta Roy, who has gone to Japan to study the technical arts, has received enquiries from young men in all parts of India who wish to follow his example, and a Professor in a Kolhapur College is about to start with ten students. Give the Indian the means of acquiring such instruction and he will not be behindhand.

It is stated that an action against the Government of India for illegal arrest, in which the damages are laid at £22,500, is likely to come on appeal before the Judicial Committee of the Privy Council. The plaintiff is one Muhammad Yusuf-ud-din, a subject of the Nizam, who in 1895 was arrested at the Singampalli railway station in the Nizam's territory by a British police officer on a warrant issued by a British magistrate in Simla. The warrant was issued on a charge that the man had abetted

an offence under section 161 of the Indian Penal Code by attempting to bribe the Record Keeper of the Indian Foreign Office to disclose certain official information relating to the Hyderabad State. The Chief Court of the Punjab having held that the man was as liable to arrest upon this charge on railway property within the Nizam's dominions as he would have been at Simla, an appeal was brought to the Judicial Committee. This was just one of those occasions on which that august tribunal shows to most advantage. Lord Halsbury in pronouncing the judgment of the Court declared that the arrest was absolutely illegal; that such jurisdiction as the British Government possessed over the railway property in the Nizam's dominions rested solely upon a concession made by the Nizam, and was expressly limited by the terms of that concession to offences connected with the railway; and that the "notification" of the Governor-General in Council which purported to convert this limited concession into full jurisdiction was mere waste paper. It may be observed that the Court, while delivering this scathing condemnation, made no order as to costs. It appears that Muhammad's present suit for damages has been dismissed on the ground that it is barred by the Statute of Limitations. Upon the questions whether or not he is really out of time in making his claim, or whether or not it will be competent for him to appeal to the Judicial Committee, we express no opinion at present. Certainly an outrage has been committed upon him, and exemplary damages would teach the Government of India a much needed lesson. But whatever the decision may be on the issue now raised, the judgment of the Judicial Committee has vindicated the rights of the Nizam.

In the event of a successful appeal Muhammad will not be the first person who has obtained redress from the Judicial Committee for illegal arrest by British authorities. In 1882 one S. claimed 25,000 rupees as damages against Sir Henry Tombs, then in command of the military cantonments at Lucknow, for illegal arrest and detention as a lunatic. The Indian courts held that no damages could be incurred by an officer over cantonments acting in a fair spirit for the good government and order of the district. But the Judicial Committee decided the appeal in favour of the claimant.

Before commenting on Sir Roland K. Wilson's able letter, which we print elsewhere, we wish to repeat that our own suggestions regarding the instruction of Indian students for the English Bar were simply tentative, not dogmatic, and that we are ready to accept the most practicable solution of the difficulty whencesoever it may come. Sir R. Wilson's criticisms, however, fail to convince us. He thinks that the objection to either of our alternatives—an optional substitute for some branch of English law, or an extra compulsory subject for Indian students only—"appears to outweigh any possible advantage." The expected advantage is the training of Indian students in two branches of Indian law which are of the first importance in their future professional practice. Against this Sir R. Wilson sets, on the first alternative, the supposition that to substitute (say) Hindu and Mahometan law for (say) the English law of Real Property "would give just offence to the English public and English practitioners, unless it were expressly provided that the call to the Bar of such candidates should not qualify for English but only for Indian practice." The English public, we take it, would not greatly care; and we doubt if English practitioners would care much more. There would be no professional competition. The alternative is only in one subject out of half-a-dozen; a very small variance in comparison with the options for an Arts degree in some of the Universities. Besides, the absolute omission of whole departments of English law from the examination does not seem to offend anybody: Probate and Divorce, Admiralty, Ecclesiastical law, Administrative law, Comparative law (Privy Council), etc. Of course, "call" must be call to the English Bar, which we think the advent of hundreds of Indians requires to be now regarded in an Imperial sense. Of course, also, admission in India is dependent on the regulations of the High Courts, which would have to be brought into line.

Again, on the second alternative, Sir R. Wilson sets against the advantage specified two points: first, that an extra compulsory subject "would be still more justly offensive to the Indians," and second, "that it would be practically unenforceable, unless by the extreme measure of treating every Oriental-sounding name as conclusive proof of Indian domicile." As to the first point, we had rather not be driven to it; but the sensible students would recognise the desire to confer on them a substantial benefit and only the less diligent would feel aggrieved—and that temporarily. The domicile is, we should have thought, readily ascertainable from the admission form, which, in particular cases, could easily be supplemented by other evidence. The fault certainly lies primarily with the Indian High Courts. The compulsion, if there must be compulsion, should come from them. But it is not easily credible that, while admitting an English barrister on the current examination, they would exclude an English barrister on an examination in which (say) Hindu and Mahometan law was substituted for (say) real property, the latter barrister being obviously better qualified for his specific work. One would expect the High Courts, as well as the Inns, to deal with the case in a practical way. However, this point would require an understanding. We are all for the encouragement of legal study in India—though we believe that the existing difficulties in Bombay and Madras have nothing to do with lack of students or lack of fees. But we sympathise with the idea of the Lord Chief Justice that Indian students here should have full facilities for the study of Indian law.

One word more. One cannot affect to be surprised if Englishmen suggest that the grievance of the Indian students cannot be very serious when the Inns of Court Readership provided for them was neglected to extinction. If it were re-established, what probability is there that it would not be similarly extinguished again? The onus seems to lie on the Indian students to formulate their position. Again, it is for them to consider whether an optional subject, if allowed, might not prejudice them, in view of possible appointments open to barristers of a certain standing. The question has many sides, and undoubtedly needs to be examined with care.

The Government report on the popularity of agricultural implements and machines tested during the past year is by no means encouraging. Partly, no doubt, the cost stands in the way of the cultivator; partly also the ingrained reluctance of the average rayat to adopt innovations. The superstitious dismemberment of the Sultan Water-lift in Burma must be regarded as somewhat exceptional. The *Madras Standard* says very suggestively:—

> Unless and until the masses are assured that there is a permanency about the revenue settlement, it is futile to expect agriculturists, who are by no means a well-to-do class, to think of investing even small sums of money in the purchase of implements necessary to secure larger and more successful crops. So long as there is the chance of the Government claiming a larger share of the produce when the yield is greater, so long will the rayat feel content with the little he may expect from methods of cultivation which were in vogue some centuries ago.

If the increase is to be substantially carried off as enhanced revenue, why should the rayat take the trouble and the risk of larger expenditure, which he can ill afford? This is the very system of renting on improvements which brought Ireland to the miserable plight that necessitated the Land League. Why should the teaching of History—and costly teaching it is—be so gratuitously ignored?

In the Legislative Council of the North-West Provinces, Pandit Bishamber Nath last month made this incisive remark in the debate on the Provincial Budget:—

> Strictly speaking, the privilege accorded to us (Indian members) of making, as it were, *ex post facto* comments upon a scheme otherwise completely cut and dry, carries with it no practical utility; but limited as the privilege at present is, a discussion upon matters affecting the financial administration of the Provinces is only so far useful that it places before the Government a number of suggestions, which of course it is quite at liberty to accept or discard.

The complaint is truly and moderately put, and the Pandit need not be discouraged by the strangely ignorant comments of the *Pioneer*. Do the Pandit and his fellow councillors, asks our contemporary, "suppose that members of the House of Commons outside the Government have any voice in the preparation of the Budget, or that they can exert any remoulding influence on its provisions after it has been introduced?" Well, of course, they can, and do, "exert remoulding influence," and, what is more, their prospective criticism has a great deal to do with "the preparation of the Budget."

INDIAN AND UITLANDER.

THE wrongs of the Uitlanders and the injustice they endure at the hands of the Transvaal Government have long been the text from which the English Press has preached many eloquent sermons on liberty and equality before the law. It is not our intention in this place to discuss the application of these excellent doctrines to the situation in South Africa, nor are we disposed to defend the policy either of President Kruger or of his opponents. We refer to the matter because we find in the criticisms of the *Times* and other English newspapers, in their defence of the claims of the Uitlanders and in the principles on which they rest those claims, matters which vitally affect not merely the twenty-one thousand who have signed the Uitlanders' petition, but the two-hundred-and-fifty millions who constitute the population of India; for the demands of the one are the demands of the other, and the liberties which are looked upon as unquestionably due to Johannesburg are just those which are cynically denied to Calcutta. Nay, the case for India is a hundred times stronger. The Uitlander has voluntarily gone into an alien land, sometimes with the intention of stopping there only a few years, and nearly always with the hope of some day returning to his own country. The Indian lives in the land of his fathers, in the land where he will rest in death and where his children will live after him. And if it be a scandal that the Uitlander is treated as an alien in an alien land, what word can fittingly describe the treatment of the Indian who finds himself an alien in his own native land, deprived of those political privileges without which the Uitlanders profess to find life unendurable—deprived too of those judicial and financial guarantees without which the English in the Transvaal declare justice and property insecure?

A *Times* correspondent in a recent issue, which received a passing notice in last week's INDIA, has enumerated fifteen grievances of the Uitlanders. They afford curious reading to those who are acquainted with the condition of British India and the contumely with which the *Times* has always treated the similar complaints of our Indian fellow-subjects. In fact it is difficult to avoid asking whether justice, like charity, ought not to begin at home, and whether the *Times* might not usefully undertake the reform of the British Government of India before it attacks the rule of President Kruger. But even to admit the similarity of the complaints from India and the Transvaal would be a hard matter for those who are never tired of praising the unqualified success which attends our rule in the former country, a success which of itself is sufficient warranty for aggressions in all other parts of the world. It may be useful to see a little more closely how much alike are the grievances endured by the subjects of our glorious and beneficent Empire in India and those complained of by the Uitlanders who live under the oppressive rule of the tyrant Kruger.

We are told that the Uitlanders have no vote in the levying of taxes, no voice in the payment of officials, and that they pay almost the entire taxation of the country—statements which are true word for word of India and the Indians. But though they are true, they are very far short of the whole truth as it affects India. In the Transvaal a floating population of immigrants complain that they have to pay officials who are drawn exclusively from the permanent residents in the country. In India the fixed population, without voice or vote, has to pay a floating body of officials, and has not only to pay them at no mean rate while they remain in the country, but has to remit a large sum in pensions and allowances when they return to their own country, thereby increasing the tribute which India has to give to England, and which has so evil an effect on the conditions of India's foreign trade. If it be an injustice to the Uitlanders that the officials of the Transvaal are independent of them in the matter of payment and have salaries to which many of the taxpayers have never agreed, how much more flagrant is the injustice to India. The Indians are poor, the people of Johannesburg are rich. The officials in India obtain salaries which would fill the Boer with envy. The Indian sees the best posts in his own land filled by strangers; the Uitlander complains that he, a stranger, is excluded by the old inhabitants of the country. In every point the Indian case is the stronger.

Much is made, too, of the doles or loans to burghers, the measures taken to prevent landed property passing out of their hands, and the taxation levied to protect monopolists. But it is not difficult to find analogies to these things in the administration of India. The care that is taken to reserve the highest positions for Europeans and the difficulties thrown in the way of Indian candidates for the Civil Service are probably in the end as expensive to the taxpayer as the efforts of the Transvaal Treasury to bolster up the sinking fortunes of the Boers. As for the taxation of the Uitlanders it would be absurd to compare it with that terrible load which afflicts the poverty of India. What is the tax of 3d. on aerated waters, even though levied to protect a monopoly, compared with a salt-tax of 500, of 2,000, even of 4,000 per cent. on the value? What comparison can there be between the sufferings of the rich financiers and the well-paid workmen of Johannesburg under their taxation and the miseries of the Indian rayats whom the heavy land tax is plunging deeper and deeper into debt and ruin?

The petitioners also find cause of complaint in that they have "no control of the education of the country." Nor have the Indians. But here the case of the Indians is certainly peculiar. Their rulers set up an English education, just as the Boers reserve their support for an education in Dutch. But the Indians accepted what was offered them; they studied the language, the literature, the philosophy of their rulers. They expended their time and energy in the direction pointed out, only to be told when the goal was reached that they were fools for their pains and to find that the "educated Indian" was the especial object of Anglo-Indian scorn and distrust. It is hard for the patient when the physician repudiates his own prescription. It is unfair to the Indians when they have so diligently followed the education provided for them that they should find their efforts treated as an offence.

But to return to the *Times* correspondent and the wrongs of the Uitlanders, we have the suppression of public meetings and the gagging of newspapers. Nay, worst of all, we are told that the editor who offends Mr. Kruger may be sent to prison or exiled. Now we will not discuss whether an editor has more liberty at Johannesburg or in India, whether Press Committees, the Sedition Act, and the power given to magistrates to require sureties are less potent than the resources at the command of the Government of the Transvaal. It suffices to point out that in India, just as in the South African Republic, there exists a power of arbitrary imprisonment. If President Kruger can imprison without trial, so can and does the Bombay Government; if the President can send his opponents "to live at Pietpotsgeitersrust to die of fever," so can the Bombay Government keep the Natus at Belgaum even when that place is attacked by plague. How the whole world would have rung with the infamy if President Kruger had dared to treat the most blatant of his opponents with the cruelty and hypocrisy with which the Bombay Government has treated the Natus; if he had contradicted himself over and over again as to the reasons for the arrest; if he had broken the law in his anxiety to punish; if he had continued the persecution long after the supposed danger was over. Yet this is what has been and is being done in British India.

The *Times* correspondent gives us still another grievance of the Uitlanders—they have "no power in the municipal government of their town, Johannesburg." Here indeed the Indians have been, at all events in many places, more fortunate, and we might reasonably hope that the journals which are so much concerned for the municipal liberties of Johannesburg would be among the strenuous defenders of the municipal liberties of Calcutta. Yet now that these are threatened the very journals that are most eager in the cause of the Uitlanders defend the subversion of popular control in the capital of India or at best ignore the protests of the people. The same organs which have constituted themselves the spokesmen of freedom in the affairs of the South African Republic favour a scheme by which all the most important civic business of Calcutta will be decided by a body only a minority of whom represent the great mass of the ratepayers of the city, while the majority are to be drawn from the European community and have so little interest in the affairs they are to decide that they have to be bribed to attend by a heavy fee. The more we look into the pleas of the Uitlanders and their English friends the more we see how applicable they are *a fortiori* to the position of the Indians;

but it is also obvious that no such application is intended. Behind all these appeals to the rights of men and tax-payers, to the tyranny of minorities controlling majorities, and of government which is out of sympathy with the governed—behind these fine general principles lies the belief that it is a scandal for Boers to rule Englishmen, to whom of right the earth belongs, while as for the Indians it is only fitting that Englishmen should rule them if Englishmen are willing heroically to take up the burden. It is the duty of Englishmen to exploit the nations for the nations' good. Is not the cant of "Imperialism" becoming the most loathsome of all cants?

INDIAN APPEALS TO THE JUDICIAL COMMITTEE.

SOME recent decisions of the Judicial Committee of the Privy Council have raised anew an old question: namely, whether the composition of that august body is altogether such as to qualify it to decide questions of law which closely affect the daily life and habits of the people of India. In the first place, we must not forget that an Imperial statute provides that all such questions shall be determined in the case of Mahometans by the laws and usages of Mahometans, and in the case of Hindus by the laws and usages of Hindus. But competent authorities inform us that the law according to the custom of the Hindus is often not the same as the Hindu law of the Judicial Committee. The general characteristics of Hindu law have been admirably described by Mr. Justice Bonnerji, from whose lecture upon the subject we take the following short extract:—

> The Hindu law is a body of rules intimately mixed up with religion, and it was originally administered for the most part by private tribunals. The system was *highly elastic*, and had been gradually growing by the assimilation of new usages and the modification of ancient text-law under the guise of interpretation, when its spontaneous growth was suddenly arrested by the administration of the country passing to the hands of the English, and *a degree of rigidity was given to it which it had never before possessed.*

Thus it happens that some Sanscrit books contain dicta which do not at all represent customs and usages which are, or ever have been, in force among Hindus; and such dicta have been in many cases accepted by the Judicial Committee as Hindu law. No doubt European judges in India are exposed to a similar risk of error, and sometimes they likewise have been misled. But, on the other hand, they have these advantages over the Judicial Committee—that they are on the spot, that they are more or less in touch with the people, and, above all, that they have the assistance of Indian colleagues. Hence it has happened over and over again that the High Courts of India have determined questions, reluctantly and almost under protest, in a manner against which their superior local knowledge and better judgment revolted, holding that they were bound (as no doubt they were) to follow the decisions of the Judicial Committee.

The *Pittapur* case, which was decided by the Judicial Committee in February last, may serve as an illustration. The property in question was the valuable zemindary of Pittapur, and the judgment, shortly, was to the effect that an impartible estate is alienable by will. It may be conceded that the decision had become almost inevitable in law, being consequent upon a previous decision coupled with the established doctrine that a Hindu's testamentary power is co-extensive with his independent right of alienation *inter vivos*. At the same time the declaration of the law will probably result in the rapid disintegration of a few impartible estates all over India and the speedy extinction of the ancient and historic families. But the original mischief was done by a decision of the Judicial Committee about ten years ago. Up to 1889 it had been held in Madras by a long series of decisions that impartible estate was inalienable for purposes other than those warranted by the Mitakshara law. But in 1889 the High Court of Madras, reluctantly and under protest, pronounced in favour of the validity of a mining lease made by the owner of an impartible zemindary, holding that they were bound by the judgment of the Judicial Committee to which I have referred.

Sir W. C. Petheram has recently drawn attention to the persistent way in which the Judicial Committee has attacked the joint family (one of the most cherished institutions of the Hindus) in the interest of the money-lenders, in precisely the same way that it has attacked the Mahometan families in India, in the interest of the same money-lenders, by refusing to recognise the Mahometan family settlements which are known as Wukfs, and by means of which Mahometans in all countries are accustomed to protect their properties. It is a curious reflection that while the Judicial Committee has thus been changing the law for the benefit of creditors the Indian legislatures and the judges of the High Courts have been trying to invent schemes for the protection of the people against money-lenders. The characteristic incident of a joint Mitakshara Hindu family is that every child who is born into it acquires on its birth an interest in the ancestral property. This property thus belongs to the family, and not to the head of the family for the time being. It is true that the Mitakshara enjoins upon sons a mandate to pay their father's debts; but this was always regarded except by English lawyers as merely a religious and personal duty. The decisions of the Judicial Committee have, however, converted this religious obligation into a legal liability, and further, by a logical extension of that principle, have laid down that the father is entitled to sell the family property in order to pay off his own debts which were not contracted for the benefit of the family. Thus the special distinguishing features of the Mitakshara joint-family system are abolished as far as the courts of law are concerned. But (as Sir W. C. Petheram has observed):—

> Notwithstanding the decisions of the Courts the Mitakshara joint undivided family with all its immemorial usages, customs, and laws continues and will continue to be the system under which Hindus, over by far the larger part of India, regulate and will continue to regulate their lives and fortunes. Meanwhile the law of the Courts differs from the law of the people, and this has caused much misery and ruin, and has also in its own way tended to foster a feeling of distrust and discontent.

Some decisions of the Judicial Committee on the law of adoption furnish similar illustrations. Thus it has been held that simultaneous adoptions by the several wives or widows of the same man are all invalid, or if such wives or widows make adoptions successively, all but the first are invalid. In the opinion of Sir W. C. Petheram, "this decision is based on an entire misapprehension of the whole meaning of the Hindu law and usage of adoption, and is opposed to the every-day practice of Hindus all over India." Again, so recently as March 11 last the Judicial Committee decided that it is contrary to Hindu law for a man to adopt the son of a sister, or the son of a daughter, or the son of a maternal aunt. In their judgment the Court said, "For eighty or ninety years there has been a steady current of authority one way in all parts of India. It has been decided that the precepts condemning such adoptions are not monitory only, but are positive prohibitions, and that their effect is to make such adoptions wholly void." It would appear, however, from an interesting article by Sir W. H. Rattigan, published in the *Law Quarterly Review* in October last, that the statement upon which the decision is professedly based is not accurate so far at least as the Punjab is concerned. The author of the article was formerly Judge of the Chief Court of the Punjab, and he is consequently a very high authority. He says that "for many years it was consistently laid down by the highest Court of Appeal in the Punjab that the adoption of a daughter's son was presumably valid, and that the onus of establishing the contrary was on the person who asserted it. But a new judge (having the notion that such an adoption was contrary to the principle of agnatic succession, which seemed to him to be the only true key to the solution of all questions connected with customary law), turned the tide of judicial opinion in the opposite direction. A new doctrine, which there was every reason to believe was *violently opposed to the drift of popular feeling*, was substituted."

It will be clear from these illustrations that the Judicial Committee, whatever its august merits may be, is often out of harmony with the High Courts of India, and does not faithfully reflect Indian opinion. The fact is that it does not include elements calculated to ensure that it shall be kept in close touch with the most accurate knowledge and the best judgment as to Indian law and usages. But the remedy is not far to seek. We have done something of late to secure that the Colonial Bench shall be represented on the Judicial Committee. Surely it is no less desirable to take care that the Committee shall be in immediate relation with the best results of scholarship and the most practical knowledge as to Hindu and Mahometan law and customs. The Judicial Committee should at once be strengthened by the addition of two Indian members.

THE BOMBAY GOVERNMENT AND HIGHER EDUCATION.

By the Hon. C. H. Setalvad, B.A., LL.B.
(Late Member of the Bombay Legislative Council, Syndic in Law and Fellow of Bombay University, Advocate of the Bombay High Court, etc.)

I DESIRE through the columns of India to draw public attention to a recent action of the Bombay Government which illustrates the policy of reaction and distrust in the matter of higher education that is unfortunately in the ascendancy at present in India. The University of Bombay in the faculty of law holds the examination for the degree of LL.B. It is a difficult examination requiring a thorough knowledge of the various branches of English as well as Indian law, the minimum standard of marks required for passing being 50 per cent. Students presenting themselves at this examination are required by the University Regulations to have kept six terms (a year comprises two terms) at a college or school of law affiliated to the University; and a term can under the rules be kept by attending three-fourths of the lectures delivered in each term at such institution. For the last forty years in Bombay there has been only one institution—called the Government Law School—so affiliated. It is merely an evening school with three classes, one for each year of the course, with a staff of only three professors who during term time give every week only two lectures of one hour's duration each. The consequence has been that the students are introduced only to a very limited number of subjects and "no lectures are delivered on the remaining subjects included in the curriculum and even the subjects on which lectures have been delivered cannot have been adequately dealt with in the number of hours devoted to them." (*Report of the Committee of Enquiry*). The institution has in many other ways been admittedly in a very unsatisfactory state, and students join it because terms are necessary to be kept, and it is the only institution where terms can be kept. The number of students has in recent years considerably increased, it being 423 in 1897-98 against 182 in 1892-93. It is curious to note that while the income of the school from fees, etc., averaged to Rs.20,931 during the three years ending 1897-98, the average annual expenditure was only Rs. 12,768, so that Government have been making for many years in consequence of their having a monopoly of legal education in Bombay, a profit of over eight thousand rupees from this ill-managed institution. Although the reconstitution of the Government Law School was repeatedly pressed upon the attention of the authorities, and the Government of Lord Reay in 1890 in answer to a memorial of the Bombay Graduates' Association on the subject promised a thorough reform at an early date, nothing was done till last month. It was also felt that with the number of students for the law degree fast increasing one institution, although properly equipped, was not enough.

Under the circumstances certain leading gentlemen interested in putting legal education in Bombay on a sound footing decided in 1897 to start a college of law by private enterprise. A managing board, with the Hon. Mr. Justice Tyabji as President, and the Hon. Mr. N. G. Chandavarkar, B.A., LL.B., Mr. Rustam K. R. Cama, B.A., LL.B., Mr. N. V. Gokhle, B.A., LL.B., and myself as members, was constituted, and a staff of six professors, comprising among them experienced and, according to Government themselves, "well-known advocates and pleaders of the High Court were appointed." Application was then made in November, 1897, to the Syndicate of the Bombay University to recommend the said college of law for affiliation to the Senate. The Syndicate decided so to recommend it, and the Senate adopted the recommendation at its meeting in January, 1898. Section 12 of the Act of Incorporation of the Bombay University of 1857, however, requires that colleges or institutions teaching up to the degree examination must, in order to be able to send up candidates for degrees, also obtain authorisation from Government. It may be mentioned that this section was never, from 1857 downwards, put into operation, and none of the arts and other colleges, both Government and private, in Bombay, as well as the Mofussil, ever obtained such authorisation. The affiliation or, in the words of the regulations, the "recognition" by the University was taken to carry by implication Government authorisation. Express and distinct authorisation was, however, for the first time insisted upon in the case of the new college of law, and the Syndicate, on behalf of the Senate of the University, applied to Government for the necessary authorisation. It was then that the Bombay Government suddenly awoke to the consciousness that their own law school required to be put in order, and appointed a committee to enquire into the condition of their school and make suggestions for its improvement. The Hon. N. G. Chandavarkar and myself were invited by Government to work on the said committee, and we readily assented to do so; for although we had started our law college we had not done so from any spirit of opposition to the Government institution, but because there was ample room for two law schools in the town of Bombay (there are, it may be mentioned, half-a-dozen private arts colleges in Bombay besides the Government arts college), and we were quite ready to assist Government in improving their school so that the two institutions might work side by side and continue improving and developing by healthy emulation.

It must be mentioned that from the papers supplied to the Committee by Government they were given to understand that there was no possibility of any scheme for reform of the Government Law School being accepted that would involve any State expenditure. The Committee had, therefore, the only alternative of proposing the raising of fees; and as there is only a certain limit to which fees could be raised without being made oppressive and prohibitive, the Committee had to limit the scope of the proposed reforms within the money to be realised by the higher fees which they recommended. Under the circumstances they proposed the appointment of only three additional professors, though more would have been desirable, and though they felt that the classes would still be very unwieldy (150 in each class). All the time that the Committee were considering the matter and Government were considering their report the promoters of the Bombay College of Law were earnestly pressing Government to allow them to proceed to work by giving them the necessary authorisation. But nothing was done. On February 25 last, the Bombay Government issued a resolution accepting the suggestions of the Committee and directing the proposed reforms in their school to be carried out from June next. By the same resolution the Government refused to authorise the new "Bombay College of Law" on the grounds (1) that if some of the students now attending the Government college were diverted to the new College the fee receipts would suffer and the Government would not be able to reform their school without incurring any expenditure, and (2) that as their school was going to be reformed there was no necessity for another college.

So the result is that Government do not want to spend a farthing on legal education, and in order that they may not have to do so they must have the monopoly of such education so that they may charge higher fees, and private enterprise must therefore be smothered and additional facilities for education denied to students. And this after the deliberate recommendation of the Education Commission, accepted by the Government of India and her Majesty's Government here in 1884, that in higher education "private effort should in future be increasingly and mainly relied on and that every form of private effort should be systematically encouraged" (Government of India's Resolution No. 10/309 of October 23, 1884), and that liberal grants should be given for that purpose to private colleges. We did not want and did not ask for a single pie as grant-in-aid for the proposed college, and still this is the encouragement we got from Government. It comes also in strange contrast to the repeated declarations of the Bombay Government whenever urged to maintain Government colleges in the Mofussil, that they must follow the principles laid down by the Education Commission, and that it is private enterprise that must step in. It is, however, believed that the Government have in coming to this decision been influenced by some other consideration, which apparently they do not consider it discreet to put on paper. I sincerely hope they have not been so influenced, for if they have been it does little credit to their judgment. However that may be, it is certain that some European members of the Syndicate of the University were opposed to the proposed college chiefly on the ground that they feared that sedition would be taught at this college. And if some of these gentle-

men with sedition on the brain who have the ear of Government raised the spectre of sedition, it is not surprising if Government, who have not yet quite shaken off the sedition mania, fell into the snare. Imagine the danger of sedition being taught at a College of Law with a managing Board presided over by a Mahometan judge of the Bombay High Court and persons like the Hon. Mr. Chandavarkar and others as members, with a staff of professors comprising "well-known" lawyers of all communities, Hindu, Parsi, and Mahometan, teaching sedition! Can anything be more ridiculous? But India is a land of surprises.

OUR LONDON LETTER.

(FROM A PARLIAMENTARY CORRESPONDENT.)

LORD ROSEBERY has made what is called a "sensation" in the world of politics since I last wrote. It has been an open secret for a long time that the noble lord had some intentions of once more bidding for the leadership of the Liberal party, and during the last few days he has made three public speeches. One of them was delivered at the City Liberal Club, and in my opinon it has settled the question of Lord Rosebery's leadership once and for all. He may lead a party one of these days—but it will not be the Liberal party. The speech I refer to has puzzled Lord Rosebery's friends and opponents alike, for it was anything but clear in parts, but one part of it was fatally clear, and cannot be explained away. He said that he liked the City Liberal Club because its members were of the old sort, the style of Liberal that was known before 1886. And then he actually declared openly that before the Liberal party could again become a real force (a euphemism for "scramble into office") it must take up its ante-1886 position once more.

This cool and cynical proposal does not only mean the throwing over of the cause of Home Rule for Ireland, it means also the surrender of everything which has lent earnestness and reality—fire and fibre—to Liberalism during the last dozen years. It is not the proposal to drop this or that Bill that I consider to be the worst element in Lord Rosebery's speech. It is rather the low tone, the utter absence of anything like principle about it. Put in bold, plain English it means this—"we want office; we don't seem likely to get it by advocating the measures to which we are pledged; let us therefore throw them all over, ignore our pledges, wipe the slate clean and begin again." And this from the man who succeeded Gladstone as the leader of the Liberal party! Mr. Gladstone changed his views on many a topic in his long and splendid career, but his changes were always the result of irresistible conviction. He had never anything to gain by his new departures—on the contrary he risked and lost much in this way. And it was the superb courage with which he faced every crisis and stuck to his principles through thick and thin that made him the idol of so large a number of his countrymen. After following such a man I do not think that many English Liberals will be prepared to dodge about in the track of this would-be leader whose most inspiring note is a signal to retreat.

Lord Rosebery was quite clear on another point—he says that the Liberals must be what is called "Imperial." In other words he would have them be Whigs in home politics, and take up a Cecil Rhodes line abroad. I am glad to know that Sir William Harcourt has lost no time in denouncing with the most admirable energy these decadent views. And before long, I happen to know, Mr. John Morley is likely to speak his mind very clearly on the point. He is going to address a meeting in the constituency of Sir Charles Dilke, and a friend of mine asked him only the other day whether he would take the opportunity of making his position quite clear about this unhealthy lusting after "Imperialism" as it is called, or Stock Exchange politics, as I prefer to call it. Mr. Morley said rather grimly, "I have kept silent under many provocations, but I think the time has come when I must speak out." And when Mr. Morley "speaks out" there is never the least doubt about his meaning. I am glad that these two leading men have had the courage to decline to bow down before this golden image which we are called upon to worship, and I believe they will be backed by almost the entire party.

But even if resisting Lord Rosebery's specious proposals were to mean another serious split in the Liberal party, I say let us have the split, let us remain out of office, rather than purchase what is called success by throwing over every principle that has made Liberalism what it is. It is not very creditable to London journalism that no London Liberal paper had the courage to speak out on this point. I do not know if the whole truth will ever be known as to the extent of Lord Rosebery's influence in the editorial rooms of papers professing to be Liberal. If it is, many an honest reader will be considerably astonished. But there is one paper in the country which has had the pluck to say what many a man was only venturing to think—I mean the *Manchester Guardian*, which concluded its criticism of Lord Rosebery's speech by saying that there is no difference between the noble lord's Liberalism and everybody else's Conservatism.

More than once I have referred in this column to the day which the Government was supposed to have promised Mr. Maclean for the discussion of the Indian Sugar Bounties. I certainly understood that such an undertaking had been made, and Mr. Maclean thought so, too. Yet the other day Lord George Hamilton denied that any promise had been made! But we shall have a debate after all, for Mr. Maclean returned to the subject on Tuesday and Mr. Balfour after declaring that the Government would be delighted to have the matter discussed, said that he could not undertake to find a day unless asked tc do so by the "authorised leaders of the Opposition."

The Opposition leaders took the hint at once. Sir Henry Fowler gave notice that he would move an Address to the Crown praying her Majesty to disallow the Acts in question, and Sir Henry Campbell-Bannerman formally asked for a day to be fixed. Mr. Balfour of course agreed, as any Leader of the House must agree in such circumstances, and so a day will eventually be chosen for this topic. It is to be hoped that before this arrives members will read, mark, learn and inwardly digest the amazing and amusing Blue-book entitled "Countervailing Duties in India; Correspondence and Act." The series of telegrams which passed between Lord George Hamilton and Lord Curzon is, I believe, unique in official publications. The book proves one thing beyond all doubt, and that is that Mr. Chamberlain is the godfather to this protectionist policy. He found a willing instrument in Lord Curzon, while of course Lord George Hamilton played his humble part readily enough, for Lord George scarcely counts in these days. I imagine Mr. Maclean will be able to make glorious fun out of this Curzon-Hamilton correspondence.

Lord Salisbury is an interesting character for the student of politics to watch. He does not love hard work, but he will exert himself considerably in a bad cause, and will make unwise speeches when he might so easily keep silence. I noticed these facts illustrated in his treatment of a little Bill which had passed the House of Commons without opposition, and then went up to the Lords in the usual way. It was a modest but useful little measure aiming at providing seats for shop assistants in Scotland. Lord Salisbury saw in it an attack on the liberty of the employer, and an extension of the rights of democracy. So he made solemn fun of it, something in this way: "Hitherto the question of sitting down or standing up has been left to the instincts of humanity. And why stop at shop assistants? The image of the housemaid passes before my mind. How often she must wish to sit down. How would your lordships like to have your domiciles invaded by an army of inspectors to see that there are chairs placed at convenient distances, so that the housemaid may sink into one of them when she feels exhausted?" The noble lords were so much amused by this elephantine banter that they threw out the Bill without a division. I doubt if the shop assistants will appreciate the merry jest quite so keenly. I do not say that the Bill is one of great importance, though it certainly would have done a much needed service to a class which has but few champions. But Lord Salisbury's attitude with regard to it was characteristic—the attitude of one who despises and cannot understand the "common people," as he calls them. There are not many men in public life who entertain such views; and such as do generally find it wise to "dissemble." Not so with Lord Salisbury. There is something almost admirable in the frankness of his scorn for his fellow man.

LETTER TO THE EDITOR.

"INDIANS AT THE INNS OF COURT."

To the Editor of "India."

Sir,—In your instructive article under the above heading you show convincingly that, as things are, it is unreasonable to expect lectures on Indian Law to be largely attended by Indian students. They come here for the specific purpose of getting called to the English Bar with the minimum of time and trouble, and not finding any marks assigned to Indian Law in the Bar Examination, they naturally pay no attention to it. You propose to supply the necessary stimulus by introducing a modicum of Indian Law into that examination, either as an optional substitute for some branch of English Law, or else as an extra compulsory subject for Indian students only.

To me, I confess, the objection to either alternative appears to outweigh any possible advantage. The first would give just offence to the English public and English practitioners unless it were expressly provided that the call to the Bar of such candidates should not qualify for English, but only for Indian practice, in which case the title would be misleading, and it might be asked why the Inns of Court should take upon themselves a function more properly belonging to the Indian authorities. Strictly speaking, indeed, it is beyond their competence to do this, as was once pointed out by the Madras High Court (4 *Mad. H. C. Reports*, 244); the title of barrister is merely one of the qualifications for enrolment as an advocate of the High Court, and it rests with the High Court itself to refuse to recognise for that purpose a new-fangled kind of barrister, or to abolish the privilege altogether. The other alternative would be still more justly offensive to the Indians, and what is more it would be practically unenforceable, unless by the extreme measure of treating every Oriental-sounding name as conclusive proof of Indian domicile. It was, indeed, actually tried (as I have reason to remember) in the late sixties and early seventies; but then a bribe was offered for submission to the extra examination, in the shape of remission of four Terms. The experiment seems to have failed, as the examination was discontinued in 1873; and the corresponding Readership was suppressed soon afterwards, to be revived twenty years later with no better success. My object, however, in writing this letter is not to dissuade anybody from trying to encourage the study of Indian Law in England, but to deprecate that positive discouragement of it in India which results from the combined operation of the regulations of the Inns of Court and the Indian High Court; the former (rightly, as I am disposed to think) adapting their examinations to the requirements of English practice; the latter (wrongly, as I am confident) admitting barristers to be advocates of the High Court without any further examination or apprenticeship. I am far from saying that this was always wrong. Fifty years ago, when the Codes existed only in the pigeon-holes of the Law Commission, and the native laws were left to the manipulation of native pundits, when the territorial civil law was understood to be English if anything, and when the Supreme Courts administered pure English Law in a large proportion of the cases coming before them, the precedence accorded to certified experts in that law may have been reasonable enough. Now, when Indian Law has grown into a distinct system, with its own Codes, its own body of case-law, and its own very extensive legal literature, the privilege has become as anomalous as if a diploma from Berlin, or at all events from Yale or Harvard, were to be accepted as a qualification for call to the English Bar.

The fault does not lie primarily with the Inns of Court, but with the Indian High Courts, which may, however, looking to their composition, be not uncharitably suspected of some unconscious tenderness for the interests of the English Bar. But the practical result is that we have here another instance of India being bled for the benefit of England. You have noticed lately certain complaints as to the inefficiency of the Indian Law Schools. What amount of truth there may be in them I do not profess to know; but it is clear that those institutions are heavily and unjustly handicapped by the constant drain to London of the students and the fees by which they would naturally be supported. That ambitious and wealthy Indians should spontaneously desire to finish their legal education with a course of study at the seat of empire is one thing; that they should be bribed to do so by exemption from the more elementary obligation of studying the laws of their own country in that country, is quite another, and a much less desirable thing.—I am, Sir, your obedient servant,

Roland K. Wilson

(Late Reader in Indian Law to the University of Cambridge).

[Some remarks upon this letter will be found in "Notes and News."—Ed. India.]

CHRONICLE OF THE WEEK.

Thursday, May 4.—In the House of Lords the Shop Assistants (Scotland) Bill was rejected. The Bill provided that in all rooms of a shop, warehouse, or other premises where female assistants were employed for the retailing of goods to the public, the employer should provide seats for the use of the assistants, in the proportion of not less than one seat to every two assistants employed in each room. Lord Salisbury said that in regard to standing up and sitting down we had hitherto left human beings to manage for themselves, and if legislation on the subject were really required he failed to see the logical process by which it could be confined to warehouses and shops. He did not think it was right to make so large a breach in the principles of our legislation without much more care and enquiry than had yet been devoted to this subject.

In the House of Commons the consideration of the London Government Bill in Committee was resumed.

A Reuter despatch of April 27 from Apia gave some further details of the recent fighting, in which the Mataafans appeared to have suffered severely. On the arrival of the news of the appointment of the International Commission Admiral Kautz and Captain Stuart wrote to Mataafa informing him of it and warning him that the rebels must withdraw outside a specified area. Mataafa at first refused to withdraw unless the German Consul and the captain of the Falke concurred. An ultimatum was then sent to him, and preparations made to enforce it, whereupon he replied that he would withdraw immediately.

Friday, May 5.—In the House of Commons the consideration of the Civil Service Estimates was resumed in Committee of Supply.

Speaking at the City of London Liberal Club, Lord Rosebery expressed his conviction that the decay of Parliamentary Liberalism was a great misfortune to the country. It was a disadvantage even to the Government. He spoke of Parliamentary Liberalism, because he had never doubted for a moment that the old spirit of Liberalism, as it existed before 1886, was as strong and vigorous in the country as ever. A change which had affected both parties alike was the growth of the spirit of pride in the Empire, the larger patriotism, which was called Imperialism. He attempted to vindicate the doctrine of sane as distinguished from "wild-cat" Imperialism, and to criticise the proposed tax on Australian wines and the policy of the Government in reference to the Pacific cable question as examples of a bad method of Imperialism. If the old Liberal spirit could be combined with a new Imperial spirit, he believed the Liberal party would regain its lost predominance. Subsequently acknowledging the toast of his health, Lord Rosebery disclaimed any intention of returning to the arena of active politics.

Before Mr. Justice Mathew and a special jury the hearing was begun of an action in which Sidney R. Adye, late a sergeant in the Bechuanaland Border Police, sued Mr. Cecil Rhodes and Dr. Jameson for damages for loss of health occasioned by his participation in the "Jameson raid," in which he alleged he had been induced to take part by misrepresentation, and also for damages for wrongful dismissal. The plaintiff's case was completed, and after counsel had addressed the jury for the defence the Court adjourned.

Saturday, May 6.—A Blue-book was issued containing the text of the notes recently exchanged between the British and Russian Governments with regard to their respective railway interests in China.

Sir H. S. Naylor-Leyland, M.P. for the Southport Division of Lancashire—where he succeeded Lord Curzon of Kedleston at a by-election last year—died at his London residence after a long illness. He was born in 1864.

A Dinner to Colonel H. Macdonald took place at the Hotel Cecil, when he was presented, on behalf of the Highland Associations of London, with a sword of honour. The Duke of Atholl presided, and Sir Lewis McIver, M.P., Sir Evelyn Wood, Lord Kingsburgh, Lord Strathcona, Mr. W. Allan, M.P., and the guest of the evening were among the speakers.

Monday, May 8.—In the House of Commons Mr. Gerald Balfour introduced a Bill for establishing a Department of Agriculture and other Industries and Technical Instruction in Ireland. The House resumed in Committee the consideration of the London Government Bill.

Sir William Harcourt was said to have spoken, at the annual dinner of the Welsh Parliamentary party on Saturday evening in criticism of Lord Rosebery's recent speech at the City Liberal Club. What, he asked, did Lord Rosebery mean by going back to 1886? The ashes of Mr. Gladstone were hardly cold before they were advised to take a sponge and wipe out

the whole of the inheritance which that illustrious and revered statesman had left to the Liberal party. What was to be wiped out? First, Welsh disestablishment, which deeply interested the people and the Parliamentary representatives of the Principality of Wales. Next, temperance reform, also land reform, and then a question supposed by some to be not only of primary but of exclusive importance, viz., the veto power of the House of Lords. Was all that to be abjured? He (Sir William Harcourt) always understood that the Liberal party had been a party of progress, but now it was apparently expected that the stream should be turned back. That was against the nature of great streams, which went onwards and did not ascend to their source. All this came from one who was one of the principal colleagues of Mr. Gladstone, one who was a party to the whole of that which it was now desired to obliterate. It came from one who when he became responsible for the Liberal party, at the Foreign Office meeting in 1893, on Mr. Gladstone's retirement, declared that there was nothing changed in the policy of the Party. Why was this necessity for returning to the period before 1886 not proclaimed at the election of 1895? Why was this repentance reserved for 1899? Why were the Liberal party in the House of Commons reproached for apathy? He (Sir William) did not himself see any apathy about his right hon. friend, Sir Henry Campbell-Bannerman. That leader at least was not an apostle of reaction. Sir Henry's declarations had been for fidelity to the cause of progress, and it was in view of this fact that he (Sir William Harcourt) was for his part prepared to give him a loyal support. He believed Sir Henry Campbell-Bannerman would faithfully adhere to the principles to which the Liberal party had declared its attachment during the past fifteen years. In some of those years the Liberal party had been beaten and in some of them it had been successful; but of none of them had it any cause to be ashamed. What they wanted in a leader was a man who said to his troops "Go forward," and who was not prepared to invite them to retire to the rear. At all events, the time had come when the Liberal party must make up its mind whether its march was to be forward or backward. If it allowed itself to be defeated by such counsels as he had referred to it would deserve to be destroyed.

TUESDAY, May 9.—In the House of Commons Sir H. Fowler gave notice of his intention to move for an Address to the Crown asking Her Majesty to disallow the Bill imposing countervailing duties on bounty-fed sugar imported into India. —In a general statement regarding the business to be transacted before the Whitsuntide recess, Mr. Balfour announced that the House would rise for the holidays on the 19th inst. and reassemble on the 31st.—The House again went into Committee on the London Government Bill.

Lord Rosebery, replying to "a correspondent" who asked him what construction was to be put on certain passages in his recent speech at the City Liberal Club in London, said he had found it a useful rule in life never to read into a speech more than the text contained, and he asked his "correspondent" to apply that rule on the present occasion.

In the Queen's Bench Division, before Mr. Justice Mathew and a special jury, the hearing was resumed of the action, "Adye *v.* Rhodes and Jameson." The case for the defence was concluded, and the jury found that the alleged misrepresentation was not in fact made. On this finding, judgment was entered for the defendants.

It was stated that Lord Kitchener, in the gracious exercise of his unlimited discretion, intended in September to throw open the Sudan to traders and others without restriction. Foreign goods would enter free of duty, but subject to a small registration fee, to be levied at Wady Halfa. A tax of 20 per cent. would be imposed upon products of the country itself. Europeans would be free to acquire land, and a Government land registry office would be established. The Sirdar stated that the public finances were satisfactory, and that the taxes were paid regularly. The health of Omdurman had "greatly improved."

WEDNESDAY, May 10.—In the House of Commons the Church Discipline Bill was rejected by 310 votes against 156.

THE SUGAR DUTY ACT.

[FROM AN INDIAN CORRESPONDENT.]

BOMBAY, April 22.

Following in the wake of the Ministerial organs, the Anglo-Indian press has been criticising here the speech of Mr. Maclean at Cardiff on the countervailing duties. But so far these criticisms may be considered as trivial. They are merely faint echoes of the screaming journals on your side that are now talking so plausibly, but inconclusively, about the policy of fair trade, which is simply protection in disguise. The organs of native public opinion have hardly anything fresh to urge. They seem to be satisfied with the legislation. Save the *Champion* in Bombay and *Power and Guardian* in Calcutta, all have gone into raptures, though in my opinion without bestowing serious thought on the question or verifying the misleading statistics which the Cawnpur Chamber has embodied in its Note. But it is of no use to slay the slain. When once a community takes it into its head to bow down and worship the idols of the market-place it is hopeless to expect a rational explanation of its action. Just as in Israel they had false prophets who for a time misled the mass and turned them away from the worship of the true God and rivetted their attention on the glittering idolatry of the Philistines, so here the false prophets of Anglo-India have misled Indians who for the time are therefore bowing before the altar of Curzonian Protection. When the fever which has now seized them is abated, no doubt they will repent and come back to the rational policy which has been in vogue these last seventeen years. At present the Dancing Dervishes of High Protection are in the ascendant, thanks to Sir Howard Vincent on your side and his Excellency Lord Curzon on ours.

It may, however, not be uninteresting to add a few observations on this burning problem of the day. Reference has been made to the condition of industries in this country during the administration of the rapacious East India Company, which just a century ago was doing its best to crush our industries in its own way by means of its sovereign rights and trading monopoly. The facile and impartial pen of Sir William Hunter will, it is to be hoped, give Indians a monograph on this subject in the *magnum opus* on which that accomplished scholar and statistician is now busily engaged. Ample materials exist on which to found the history of Indian industries and manufactures from the days of Plassey to the conquest of the Punjab. The evidence of Mr. Richards given before the Parliamentary Select Committee of 1832 is very instructive. He bitterly complained of "the arbitrary exercise of power in monopolising produce and compelling individual labour." He characterised all the monopolies exercised by that masterful company "as so many obstructions to fair commercial enterprise and dealing." Some of the articles were indeed so highly taxed that, reading the history a century later, one cannot but wonder how they ever succeeded in levying those "monstrous" duties on exports. Mr. Richards said: "The duties on many articles of East India produce are enormously high, apparently rated on no fixed principle, and without regard to market price." For example:—

Aloes, subject to a duty from	70	to	280	per cent.
Asafœtida,	,,	233	,,	622	,,
Cardamums,	,,	150	,,	266	,,
Coffee,	,,	105	,,	373	,,
Pepper,	,,	266	,,	400	,,
Sugar,	,,	94	,,	400	,,
Tea,	,,	6	,,	100	,,

How could India stimulate its exports under such conditions? No wonder as years rolled on the trade gradually declined till the new policy, after the early fifties, once more gradually revived it, though meanwhile certain industries and manufactures suffered most grievously—injuries from which no recovery has ever taken place. But it may be well to quote one more extract, and that from a petition of certain European and Native inhabitants of Calcutta to the House of Commons on duties levied in Great Britain on East India sugar and rum in 1832. "That the duties on the sugar and rum are respectively 32 shillings per cent. and 15 shillings per gallon, which, at the ordinary market value (without duty) of 22 shillings per cent. and 2 shillings per gallon, is equal to an *ad valorem* duty of 145 and 750 per centum." Contrast this statement with the following from the petitioners: "That the duties on the sugar and rum of all other British settlements including recent acquisitions of the Mauritius and Guiana, are respectively 24 shillings and 8½ shillings—equal as above to 109 and 425 per cent. only, independent of advantages from cheaper freight."

Is it not clear from the last paragraph quoted that even as early as 1832 Mauritius sugar-planters were favoured at the expense of the poor sugar-cane cultivators of India? And do we not perceive in the present legislation the same selfish interest predominating?

The same Parliamentary Committee's Report gives interesting statistics on the exports of Indian sugar from India to various European and American countries, between 1793 and 1831. They are (1) United Kingdom, (2) France, (3) America, (4) Hamburg, (5) Copenhagen, (6) Sweden, (7) Holland, (8) Gibraltar, (9) Portugal, (10) Brazil, (11) South America, (12) Cape of Good Hope, (13) New South Wales, (14) Java, (15) Mauritius, (16) China, (17) Ceylon, (18) Penang, (19) Sumatra, (20) Pegu, (21) Arabia and Persian Gulf, and (22) Maldeve Islands. This enumeration is exhaustive and indicative enough of India's trade in sugar with the wide world. Let me now give some statistics of the quantity absorbed by foreign countries. During those thirty-nine years it seems that the annual average of exports equalled 128,000 bags of the average weight of two Indian maunds, equal to 188,000 cwts., and that the chief countries which imported Indian sugar during the period were:

	ANNUAL AVERAGE. Bags.
United Kingdom	47,276
Arabia and Persian Gulf	15,210
America	22,831

Curiously enough the average for Mauritius was 1,463 bags. The first year, in which it imported 487 bags, was in 1810-11. In 1815-16 the imports reached 3,896 bags; in the following

year, 4,881; and in 1817-18 as many as 7,931. But the imports declined from the next year, and by 1829 they had ceased altogether. What does this fact show, coupled with the complaints of the Calcutta petitioners regarding the lighter import duty on Mauritius sugar, compared with that on Indian, in Great Britain? Was not that the first serious blow at India's export trade in sugar with the United Kingdom? And after having given the rudest blow to those exports and to Mauritius, they favoured the latter and are still seeming to favour it, as the Indian Government itself acknowledges.

Commenting on the Blue-book which was issued on Monday last, the *Manchester Guardian* wrote (May 9):—

The history of the sugar legislation in India, as disclosed in a Blue-book issued last night, is remarkable. It seems that the home Government tried to induce the late Viceroy, Lord Elgin, to impose countervailing duties on bounty-fed sugar, but failed. On May 5, last year, replying to certain suggestions made by Lord G. Hamilton, Lord Elgin wrote that the Indian Government was not prepared to levy countervailing duties. The competition of bounty-fed sugar might, he said, have reduced profits in the refining industry, but it had not materially affected the producer. Lord Elgin does not seem to have receded an inch from this position. Hardly had the new Viceroy assumed office when he received from Lord G. Hamilton practically the same communication that had already been sent to his predecessor. Mr. Chamberlain, the despatch added, wished that favourable consideration should be given to a memorial from Mauritius —the same, apparently, that had already been sent to Lord Elgin. Lord G. Hamilton's despatch was sent on January 26 of this year. The new Viceroy sat down and wrote a neat little essay in favour of countervailing duties, which was sent off by return of post. In order that Lord G. Hamilton and his friend and tutor Mr. Chamberlain should not be kept waiting in suspense for the mail, Lord Curzon four days later sent a telegram announcing that they had arrived at conclusions favourable to the recommendations of the Colonial Office, and on February 24 the Indian Government "proposes to legislate at once." Lord Curzon is commonly supposed to be a man of more than ordinary parts; but even he, one is inclined to suspect, could hardly have "got up" the sugar question in a week and arrived at a conclusion diametrically opposed to his predecessor's had it not been for careful coaching at the Colonial Office before he went out.

The *Daily News* said (May 10):—

Sir Henry Fowler gave notice in the House of Commons last night that he would move an Address to the Crown for the disallowance of the Indian Sugar Act, and the Leader of the Opposition promptly asked for a day. This decisive and concerted step brought the Government down from their high horse. Mr. Balfour yielded, and promised an opportunity for debate. An opportunity had virtually been promised before, because the Secretary for India had undertaken to withhold his formal assent from the Act until the House of Commons had expressed an opinion upon it. This pledge, however, was evaded, whereas now there can be no escape. Having expressed a doubt on a former occasion of Sir Henry Fowler's wisdom in waiting for the papers, we must now frankly admit that he was discreet. For the Blue-book constitutes an unanswerable case for the Opposition, and without it they could not have made nearly so good a fight. The law, we may observe, is in force, and countervailing duties are being levied under it, although Lord George Hamilton has not endorsed it? But it can be revoked at any time by the Crown, and that is the object of Sir Henry Fowler's motion. Lord George Hamilton, in a speech to his constituents made not long ago, said that where the interests of India were concerned he could count upon the support of his predecessor as much as he could count upon the support of his colleagues. That the interests of India did not require this mischievous piece of protection we have under the hand and seal of the Indian Government. Lord Elgin and his colleagues, including, we presume, Sir James Westland, told the Secretary of State a year ago that more than half the sugar imported into India was made from the cane, and that foreign competition did not materially affect the producer, because unrefined sugar, grown in India, was seven-eighths of the trade. At the instigation of Mr. Chamberlain, Lord George Hamilton asked Lord Curzon to modify these views, and Lord Curzon proceeded to do so. But his reasons are to the last degree feeble and inconclusive. He actually appeals from Lord Elgin's despatch of last May to Sir John Strachey's Report for 1877-8.

THE PRESCIENCE OF LORD FARRER.

A few weeks ago the Cobden Club issued a leaflet by Lord Farrer entitled "Protection within the Empire." It contained the following reference to the recent legislation in India:—

The first observation on the speeches as reported in the *Times* of March 21 is that, whilst the chief reason urged by Sir J. Westland, who knows India well, is apparently the Protection not so much of Indian sugar as of Mauritius sugar,[1] the Viceroy, whose knowledge of Indian sugar must be inferior to his knowledge of the politics of the English Cabinet, takes particular pains to state that his measure is founded on the fact that the decline in the Indian industry—of which we are not yet furnished with particulars—and the well-being of the Indian producer is the real ground of the measure. So strongly does he insist on this point that we are tempted to say "Methinks the lady doth protest too much." For whilst he states that the producers are the real consumers of the rude sugar which they produce, he also states that the imported sugar, which is notoriously of a better quality, is consumed not by them, but by other classes, thus showing, if he is correctly reported, that the market for sugar produced in India is a different market from that of imported sugar, and that if there is a falling off in the production of the former it is not due to the import of the latter. A further observation is that the Viceroy betrays the ignorance of a man who has imbibed Protectionist prejudices and who has never mastered an economical doctrine. His speech on this point has the faults of Mr. Chamberlain at his worst and of Sir Howard Vincent at his best. It is a diatribe against Free Trade. A third and still more important observation is that he himself recognises that his measure "may more immediately touch the interests of certain colonies": "that it will set an example of far-reaching significance," and "may be regarded as a factor of the Imperial problem.

What are we to gather from such utterances as these? Did this measure originate with the Indian cultivators of sugar or with Indian manufacturers? We are told that the Indian public and Press are unanimous in favour of the Bill. Have the mass of the people been consulted? Have the consumers of foreign sugars, and of sweetmeats made from foreign sugars expressed an intelligent opinion? Have the Indian producers and exporters, whose goods pay for the foreign sugars, been made aware of the effect of this Bill on their industries? Have the Indian Government themselves considered these interests? Nay, further, did this Bill originate with India or with the Government of India? Was it the child of the Indian Council, or even of the Secretary of State for India? Was its birthplace the India Office, or did it first see the light in the opposite quarter of the Whitehall quadrangle? Was its first suggestion due to the Indian authorities or to that workshop of economical heresies and financial fallacies, the Colonial Office? Or is the whole affair a kite sent up by the Government at home to see whether people in this country would stand the countervailing duties to which both the present Government and Lord Salisbury's late Government have shown such great attachment? Or was the intention to pave the way to that new tax on sugar which has been suggested in the leading Government organ, by someone whom it amusingly terms a "Financial Expert," as a means of getting the Government out of their financial difficulties? Time may throw a light on some of these questions. In the meantime, some things are clear enough—*e.g.* that, whatever may be the case with wealthy Indian sugar growers or refiners, who can always make themselves heard, the proposed measure cannot in the nature of things be due to any widespread or conscious demand on the part of the masses who inhabit India; that the Government of this country cannot escape responsibility for the measure; that the measure is founded on Protectionist principles and is defended by Protectionist arguments; and finally, that it is a decided step towards that system of Imperial Protection which Mr. Chamberlain has constantly advocated.

[1] The complete report of Sir J. Westland's speech on the introduction of the Bill shows that he rested his case not on any existing contraction of cultivation, nor on interference with the sugar ordinarily consumed by the natives of India, but almost entirely on the injury done by the importation of refined sugar to the refineries of India, and on the possible effect of the closing of those refineries. What is the character or importance of those refineries he does not tell us, nor why this extremely imperfect manufacture is to be specially protected at the cost of other Indian interests. In his second speech on consideration of the Bill, Sir J. Westland referred to the Mauritius and its inhabitants as *a country and people to which India is knit by the Imperial tie, and which, in spite of Free Trade, is entitled to some measure of protection from the Indian Council.* As a matter of fact the importations of sugar from the Mauritius into India have increased and are increasing, though not nearly so largely as those from Germany and Austria-Hungary. See C. 9,120, 1898, p. 10.

Imperial Parliament.

Friday, May 5.

HOUSE OF COMMONS.

THE SUGAR DUTY ACT.

OFFICIAL PAPERS PRESENTED.

East India (Sugar)—Copy presented—of Countervailing Duties on Sugar in India; Correspondence and Act [by Command]; to lie upon the Table.

IMPORTS AND EXPORTS OF SUGAR.

Captain SINCLAIR asked the Secretary of State for India, if he would give to the House the latest figures in his possession as to the imports of sugar into India from various countries, and the exports of sugar from India:

And, whether the two duties now levied on European sugar entering India resulted in a net protective duty of 5 per cent. in favour of the Indian producer.

Lord G. HAMILTON: The papers which I hope to present to Parliament next week on the subject of countervailing duties in India, will contain the statistics desired by the hon. and gallant member down to the end of February last, so far as they are available.

A duty of 5 per cent. *ad valorem* was imposed in 1894 upon all imports into India except yarn and cotton goods, and this duty, imposed for revenue purposes, is in its operation protective to the extent of 5 per cent., so far as it affects imports which compete with Indian products.

Monday, May 8.

HOUSE OF COMMONS.

RAILWAYS IN NATIVE STATES.

Sir JOHN LENG asked the Secretary of State for India, what was the estimated total amount proposed to be contributed towards railway extension by the independent States of India during the current year, and for the three years covered by the Indian Government's programme:

What was the aggregate mileage that would be constructed from the funds of these States apart from the proposed line in Kashmir:

Could the names of the States thus contributing to railway extension be given, with the amounts which each would contribute:

And, on what terms as to interest, acquisition of lands, and jurisdiction were these railway advances made by these States, and were the princes and chiefs treated with as free agents in these transactions.

Lord G. Hamilton: The estimated total amount to be contributed towards railway extension by Native States during the next three years is 5,800,000 tens of rupees, including about 1,500,000 for the proposed Kashmir line; and the aggregate mileage under construction or projected as a charge upon these funds is 1,087 miles, or, excluding the 175 miles of the Kashmir railway, 912 miles. Roughly speaking, about a third of each of these totals may be alloted to each of the next three years.

The names of the contributing States, besides Kashmir, are Hyderabad, Jodhpur, Jeypur, Gwalior, Mysore, Oodeypur, Bickanir, Rewa, and Rajpipla.

The terms and conditions vary in each case.

THE SUGAR DUTY ACT.
OFFICIAL PAPERS.

Mr. Maclean asked the Secretary of State for India, when the Sugar Duty Papers, which were stated a month ago to be in the printers' hands, would be distributed among members.

Lord G. Hamilton: I am informed that copies will reach the House this evening.

Mr. Maclean asked the noble lord whether he was in a position to redeem the promise made before Easter that they might have a day for the discussion of the papers.

Lord G. Hamilton said that he made no promise.

Mr. Maclean: The First Lord of the Treasury did.

Lord G. Hamilton: What I told my hon. friend was that he had better ask the First Lord of the Treasury. I can assure my hon. friend that I should be delighted to discuss the question.

Mr. Maclean: Will the noble lord communicate with the First Lord, he has much more influence with him than I have? (Laughter.)

Tuesday, May 9.

HOUSE OF COMMONS.

GOVERNMENT CHURCHES.

Mr. Walford Green asked the Secretary of State for India whether he could state the purport of the new regulations issued by the Indian Government concerning the use of Government churches in India for Presbyterian and Wesleyan services.

Lord G. Hamilton: The only alteration made in the rules issued last year is defining more accurately the religious bodies who may hold service in the Church in question and in substituting in the appeal from a bishop's decision the authority of the metropolitan for that of the joint authority of the bishop and civil or military power. In all other respects the rules remain unchanged.

THE GOKTIEK VIADUCT.

Sir Alfred Hickman asked the Secretary of State for India whether the Indian Government had given the order for the Goktiek Viaduct, containing 5,000 tons of steel, to an American firm:

Would he explain why the chief English bridge-builders were not asked to tender for it:

And whether he would give instructions in future that tenders should be invited from the chief British makers.

Lord G. Hamilton: My hon. friend has evidently been misinformed about this matter. The order for the Gohtiek Viaduct was not given by the Government of India, who have nothing to do with it, but by the Burma Railways Company. The Company invited five English firms and two American firms to tender. Of the five English firms four refused to tender: but one English firm which had not been invited, asked leave to tender and was allowed to do so. Consequently, two English and two American tenders were sent in. The most favourable English tender required three years for the work at a cost of about £116,000. The most favourable American tender required about one year for the completion of the work at a cost of £60,125. In these circumstances, the Company, with the concurrence of the Goverment Director (who represents the Secretary of State), accepted the American tender. The Indian Railway Companies give preference in all these contracts to British makes, but I am sorry to say that this is not the first contract in which there has been a marked difference both in price and time of delivery between British and American tenders.

THE SUGAR DUTY ACT.
A DAY FOR DISCUSSION TO BE GIVEN.

Mr. J. M. Maclean: I beg to ask the right hon. gentleman, the First Lord of the Treasury, a question of which I have given private notice, whether, in view of the disclosures in the Blue-book as to the real source and origin of the Indian sugar duties, he will agree to fix a day for the discussion of this subject? (Hear, hear.)

Mr. Balfour: If I am to interpret the question of my hon. friend by the letter he has sent to me indicating his desire, I may say he has fallen into an error in the interpretation he puts upon the Blue-book; but without dwelling on that point, I must say at this time of the year especially public time is extremely valuable, and unless there is a demand the Government could not ignore from the authorized leaders of the Opposition—(laughter)—I do not think it would be possible to find the time my hon. friend, and I may say the Government themselves, desire to give to the discussion of this interesting subject.

Sir H. H. Fowler: To clear the atmosphere, I may say that it is my intention to give notice to move an address praying her Majesty to be pleased to disallow the Indian Tariff Amendment Act, 1899. (Loud Opposition cheers.)

Sir H. Campbell-Bannerman: And in order to complete the right hon. gentleman's satisfaction—(cheers and laughter)—I beg to ask him if he will give a day for the discussion of my right hon. friend's motion? (Cheers.)

Mr. Balfour: Of course, I shall be very glad to give a day. (Cheers.) The actual day perhaps had better be a matter for mutual arrangement. (Hear.)

Sir C. H. Vincent: As this is the subject of a motion down for Tuesday next, will the right hon. gentleman undertake not to take that day away?

Mr. Balfour: I have promised a day for something practically equivalent to a vote of censure on the Government to the right hon. gentleman opposite, and under the circumstances I do not think we should have a preliminary canter on a subject nearly the same. (Hear, hear.)

Thursday, May 11.

HOUSE OF COMMONS.

RESTRICTIONS UPON BRITISH INDIAN SUBJECTS IN BRITISH COLONIES AND DEPENDENCIES.

On the motion of Sir William Wedderburn, a Return was granted (1) showing in the case of every British Colony and Dependency, the population of which includes British Indians, what Disabilties or Restrictions are imposed upon such British Indians; (2) stating for each Colony or Dependency the approximate number of such British Indians; and (3) giving in each case from the statutes or the byelaws an abstract showing the nature of the Disabilities or Restrictions in question.

PETITIONS FROM THE PUNJAB.

Mr. Kimber asked the Secretary of State for India, whether many important petitions had been presented to the Punjab authorities from loyal Sirdars of the Cis Sutlej territory of the Punjab, praying for relief from uncertainty and for recognition by Government of the rule of primogeniture in the succession to their respective estates:

Whether there had been any delay or want of uniformity on the part of local officials in reporting on and dealing with such petitions:

And, whether he had any objection to grant a Return of the dates, names of subscribers, and prayers of such petitions, and of the official correspondence and rulings of the Government of India and Punjab authorities on the subject.

Lord G. Hamilton: In reply to the question of my hon. friend I have to say that there is no information at my disposal which would supply an answer to the first two paragraphs. As regards the Return asked for in the last paragraph, it could not be furnished without a reference to the Government of India, as the correspondence is not on record in this country. My hon. friend's question will be forwarded to the Government of India for any observations they may have to make.

BOMBAY INSOLVENCY COURT.

Sir William Wedderburn asked the Secretary of State for India, whether the clerk of the Insolvency Court at Bombay was paid by fees, which amount to between 3,000 and 4,000 rupees a month, and whether the present incumbent accepted the appointment subject to the understanding that the scale of his remuneration was likely to be revised:

Why the recommendation of the Finance Committee of 1886, that, looking to the amount of the work, the salary should be fixed at Rs. 500 or Rs. 600 per mensem, the fees to be credited to Government, was not acted upon:

And, whether he would lay upon the Table the correspondence regarding the salary of this appointment between the Bombay Government, the Government of India, and the Secretary of State subsequently to the year 1895.

Lord G. Hamilton: The clerk of the Insolvency Court at Bombay is paid by fees, the average amount of which is a little over Rs. 3,000 a month, out of which he meets certain charges for establishment. It is apparently the case that the present incumbent accepted the appointment (in 1875) "subject to any revision of the remuneration that might be ordered by competent authority."

(2.) The recommendation of the Finance Committee for the salary to be fixed at Rs. 500 or Rs. 600 a month was coupled with a further recommendation that the duties of the post should be revised and made more important, and a higher salary attached to it, by an Insolvency Bill which was then under consideration. This measure has been under consideration for many years, but it has recently been decided not to proceed further with it; and I now propose to communicate with the Government of India on the subject.

(3) The correspondence on this subject, though very lengthy, is still incomplete, and I cannot undertake to present it.

JUDICIAL AND EXECUTIVE DUTIES.

Mr. Herbert Roberts asked the Secretary of State for India, whether his attention had been drawn to the following recent cases: the case of Empress *v.* Maharaj and another, in which the defendants were convicted of theft and sentenced to three months' imprisonment and fine by Mr. Marr, Joint Magistrate of Begu Sacrai; the case of Dr. Kudiram Ghose, who was convicted by the Magistrate of Murshidabad for an alleged act of negligence in his professional capacity, and sentenced to three months' imprisonment and fine; the case of Mr. Augier, Sub-Deputy Magistrate of Pwrulia, who was sentenced to imprisonment for six months in a case relating to a female coolie:

Whether he was aware that in each of these cases the High Court of Calcutta set aside the conviction, declaring that no offence had been proved:

And, whether, in view of these facts, he would consider the desirability of introducing a change in the present system of criminal administration in India, by which the district magistrate was the head of the police, the virtual prosecutor, and at the same time the chief magistrate in his district.

Lord G. Hamilton: I have no information in regard to the three cases referred to in the hon. member's question. I do not think that the orders of the High Court, so far as their terms are stated in the question, would justify me in requesting the Government of India to consider the advisability of introducing a revolutionary change in the present system of criminal administration in India.

In 5 Vols.

Vol. I.—Introductory to the Overthrow of the English in the Spice Archipelago (1623).

With 4 Maps, 8vo, 18s.

A HISTORY OF BRITISH INDIA.

BY

Sir WILLIAM WILSON HUNTER,

K.C.S.I., M.A., LL.D.,

A Vice-President of the Royal Asiatic Society.

LONGMANS, GREEN & CO., LONDON.

ROMESH C. DUTT'S WORKS ON INDIA.

1. **MAHA BHARATA,** condensed into English verse (*Temple Classics Series*). Cloth, 1s. 6d.; Leather, 2s.
2. **The Same Work,** Illustrated Edition, with an Introduction by the Right Hon. Max Müller. Cloth, 12s. 6d.; Parchment, 15s.
   PUBLISHERS: DENT & Co., LONDON.
3. **ENGLAND AND INDIA:** 1785 TO 1885. Price 2s.
   PUBLISHERS: CHATTO & WINDUS, LONDON.
4. **LAYS OF ANCIENT INDIA,** Selections from Indian Poetry rendered into English verse. (*T. O. Series.*) Price 7s. 6d.
5. **CIVILIZATION IN ANCIENT INDIA,** 2 Vols. (*Trubner's Oriental Series.*) Price 21s.
   PUBLISHERS: KEGAN PAUL & Co., LONDON.
6. **CIVILIZATION IN ANCIENT INDIA,** People's Edition, complete in one volume. Price Rs. 5.
   PUBLISHERS: ELM PRESS, 29 BEADON STREET, CALCUTTA.

N.B.—The above Works can be obtained in India through any Indian bookseller.

"INDIA," 1898.

VOLS. IX. AND X.

NOW READY.

Bound in Cloth (post free) 7/6 each net cash.

To be obtained at the Offices,
84 & 85, PALACE CHAMBERS, WESTMINSTER, S.W.

A limited number of Volumes V. (1894), VI. (1895), VII. (1896), VIII. (1897), can also be obtained. Price **8/6** each, post free. Remittances should accompany order.

NOW READY.

Price One Shilling and Sixpence, net. In India, 1 Rupee.

CONGRESS GREEN-BOOK: No. 2.

ROYAL COMMISSION ON INDIAN EXPENDITURE.

EVIDENCE-IN-CHIEF OF THE FIVE INDIAN WITNESSES.

Large foolscap, 116 *pp.*

Published by the
BRITISH COMMITTEE OF THE INDIAN NATIONAL CONGRESS,
84 & 85, PALACE CHAMBERS, WESTMINSTER, S.W.

This Volume may be also obtained from the Secretaries of the Standing Congress Committees at Calcutta, Bombay, and Madras. Remittances should accompany application.

N.B.—The postage of each copy is 4d., in addition to the price stated above.

LONDON INDIAN SOCIETY.

DADABHAI NAOROJI, ESQ., PRESIDENT.

Above Society on receipt of 5 anna stamps will give information regarding course of study and cost of living in England. Gentlemen will be met at London, Edinburgh, Oxford, or Cambridge stations on giving fortnight's notice.

Apply, Dr. MULLICK,
SOHO SQUARE, NATIONAL HOSPITAL, LONDON, W.

DR. T. N. GHOSE'S

PECTORAL BALSAM.

A BOON TO SUFFERERS FROM ALL DISORDERS AND COMPLAINTS OF THE LUNGS AND CHEST.

For Cold in the Head, Coughs, Hoarseness, Asthma, Hooping Cough, Bronchitis, Sore Throat,

DR. W. VENOR says: "I have used it myself and prescribed it for many patients, and can very strongly recommend it for Bronchitis, Asthma, Indigestion. It will not cure Asthma or Indigestion, but a single dose I have found gives an immediate relief.—31st March, 1889.

P. C. GHOSE & CO., NEW MEDICAL HALL, MEERUT.

JVARA-HARI. TRADE MARK.

is what its name implies FEVER DESTROYER,

and Cures Malarious, Intermittent and Remittent types of Fevers, Colds, etc.

North Raglan Barracks, Devonport.
I beg to enclose a cheque for the "Jvara-Hari." Both in India and Africa I have found it the BEST REMEDY FOR FEVER I know
C. E. WOOD, Capt. 22nd North Staffs. Regt.

"Jvara-Hari" is so efficacious on all fevers, that I now indent upon you for 4 dozen, per value payable parcel. I think there is more than magic in it.
G. L. NARSINGA ROW.

For INDIGESTION, DIARRHŒA, CHOLERA, etc., etc.

Cuddalore Municipal Councillors' Office.—"I have much pleasure in stating that your "Omum-Carpoor" was found very useful for Cholera if taken in the early stage,
C. S. SRINIVASA, Chairman.

Omum-Carpoor TRADE MARK

Prices of "JVARA-HARI" and "OMUM-CARPOOR" 8 ans., Rs., 1/8 Rs., 2/12 Rs., and 11 Rs. per bottle. N.B.—1 doz. sent post free. To be had of all Chemists and Dealers, or of the Proprietors,

HENRY'S GREAT INDIAN REMEDIES COMPANY, 43, King William St., London, E.C., and 27, Second Line Beach, Madras.

NOTICE TO ADVERTISERS.

Applications for rates for Advertisements in "INDIA," should be made to

THE MANAGER,
84 & 85, Palace Chambers,
Westminster, S.W.

Advertisements should reach the Office not later than first post on Thursday in order to ensure insertion in the issue of the following day.

The annual subscription to INDIA (post free) is nine shillings for England and six rupees for India. Subscriptions are payable in advance. Remittances, or communications relating to subscriptions or any other matter of business connected with INDIA, should in all cases be sent to the MANAGER *of INDIA, 84 and 85, Palace Chambers, Westminster, London, S.W. In any communication regarding copies of INDIA circulated in India, it is requested that Subscribers be referred to both by name and by the number printed in each case upon the addressed wrapper.*

Cheques and Post Office Orders payable to W. DOUGLAS HALL.

Copies of INDIA can be obtained from the Offices of the Paper; from MR. ELLIOT STOCK, *Paternoster Row, London, E.C.; and to order at any Railway Bookstall.*

Printed by A. BONNER, 1 & 2, Took's Court, London, E.C., and Published for the Proprietors at 84 & 85, Palace Chambers, Westminster, S.W.